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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,300	08/22/2000	Taro Suito	450100-02655	8374

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FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER

MICHALSKI, JUSTIN I

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 04/22/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/643,300

Applicant(s)

SUITO ET AL.

Examiner

Justin Michalski

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-20 is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 8 is/are rejected.
- 7) ☒ Claim(s) 2, 3 and 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pages 13 and 14, filed 2/4/2004, with respect to the rejection(s) of claim(s) 1-4 and 8 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found art.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 and 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (US Patent 6,574,422).

Regarding Claim 1, Kikuchi et al. discloses a playback system for audio and video data including delimiting a reproduction input sound signal obtained by reproducing (Figure 26, delimiting is inherent due to digital signals from disc 10), from a recording medium (disc 10), a sound signal recorded on the recording medium at a speed higher than a normal speed into successive processing unit periods (Kikuchi et al. discloses play back at double-speed and higher, Column 38, lines 49-55); deleting a sound absence portion of the reproduction input sound signal within a range within which a reproduction output sound signal of an amount corresponding to that at the

normal speed joins sound presence portions of the reproduction input sound signal which precede and follow the sound absence portion to obtain a joined reproduction input sound signal for each processing unit period (Kikuchi et al. discloses partially playing back at a normal playback speed (i.e. portions that are not partially played back are deleted) (Column 38, lines 49-55); partly deleting, if a sound presence portion of an amount which cannot be stored are included in the reproduction input sound signal of any of the processing unit periods, the sound presence portion or portions to join sound presence portions which precede and follow the sound absence portion and compressing the reproduction input sound signal of the processing unit period to obtain a compressed reproduction input sound signal of the processing unit period (Kikuchi et al. discloses partially playing back at normal speed audio data from the next jump destination which inherently would be connected to portions which precede and follow partially played audio data (Column 38, lines 49-55). Kikuchi et al. does not disclose the use of an output buffer for joining sound presence portions. It is known in the art that buffers can be used to connect one piece of data with data which precede and follow it. Kikuchi discloses audio DAC (Figure 26, reference 69) which can be interpreted as a buffer between references 68 and output 46 which converts and joins digital data (including data preceding and following) into an analog signal to output 46.

Regarding Claim 4, Kikuchi et al. discloses frame-by-frame switching periods (i.e. periods of fixed time) (Column 38, lines 30-42)

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. as applied to claim 1 above, in view of Nitta et al. (US Patent 6,363,208). Kikuchi et al. discloses a method as stated apropos of claim 1 above but does not disclose the output buffer to synchronize a video output and sound output with each other. Nitta et al. discloses a method for reproducing audio and video data (Figure 5). Nitta et al. discloses an audio decoder 8 which decodes compressed audio data while storing the data in a buffer at the input stage. One of ordinary skill in the art at the time the invention was made would recognize Nitta et al. teaches that a buffer can be used for storing data while it is being decoded and could applied to the audio DAC (Figure 26, reference 69) in the output stage of Kikuchi et al. which also used for decoding digital audio data).

#### ***Allowable Subject Matter***

5. Claims 9-20 are allowed.
6. Claims 2, 3, and 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Michalski whose telephone number is (703)305-5598. The examiner can normally be reached on 8 Hours, 5 day/week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Isen can be reached on (703)305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JIM

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**XU MEI**  
**PRIMARY EXAMINER**